

Theresa Rice

From: Roz Lassoff on behalf of Council
Sent: Wednesday, June 20, 2012 10:29 AM
To: Theresa Rice
Subject: FW: SMP - letter to Ann Blair

Roz Lassoff
Rosalind D. Lassoff, City Clerk
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110
(206) 780-8624

From: Bill Touchette [<mailto:billt@windermere.com>]
Sent: Wednesday, June 20, 2012 10:07 AM
To: Council
Subject: FW: SMP - letter to Ann Blair

I agree with the letter writer, and as a realtor...non-conforming is not just a word, but negatively effects a properties value.
Bill Touchette

From: Gary Tripp [<mailto:gary@tripp.net>]
Sent: Tuesday, June 19, 2012 10:11 AM
To: *Bainbridge Citizens
Subject: SMP - letter to Ann Blair

From: Alice & John Tawresey Alicetaw@aol.com

To: Anne Blair ablair@bainbridgewa.gov

Alice Tawresey
213 Gowen Place NW
Bainbridge Island, WA 98110
(206) 842-4127

June 17, 2012

Ann Blair, Bainbridge City Councilmember,

Dear Ann,

When we met prior to your election to the City Council, we discussed the issue of residential uses becoming non-conforming in the SMP update. At that time your point of view was that using the term nonconforming would not cause negative consequences to existing uses because "non-conforming" is just a term, and that homeowners should not be concerned about becoming non-conforming.

First, words do matter. Using the word non-conforming means the use does not conform. And, in fact the goal in Section 4.2.1.2 states that

“Residential structures that do not conform to this program should, over time as the owner proposes changes to the structure, conform as completely as possible to this program.” So, the non-conforming structure must be brought into conformity as a result of its non-conforming status.

Second, the stated goal of Section 4.2.1.2 is to *“recognize legally established primary residential structures ---”*. The question is: What are they being recognized as? Are they being recognized as non-conforming or conforming? This is a potential area of confusion and litigation. The effect is to make these structures subject to the new rules and because they are not conforming, “required to conform as completely as possible to this program.”

Because the buffers in each environmental designation are increased, many homes, accessory structures and almost everyone’s front yard uses will become non-conforming. This is very significant, especially if it happens to be your home! This non-conformity is not a result of any action taken BY the homeowner due to a desire to improve their property or to disregard the health of Puget Sound, but instead is being done TO the homeowner by virtue of the routine SMP update process. Why does an existing residential use with the current suite of rights that is conforming in the current SMP one day, suddenly become non-conforming with all the additional restrictions, conditions and processes the day after the SMP Update takes effect?

Lastly, the standard for the SMP update is “no net loss”. Why is it necessary to create many more non-conforming residential structures (owned by a sizeable proportion of your constituency) to accomplish the status quo? The petition we circulated included opposing non-conforming designation as one of the Bainbridge Shoreline Homeowners Six Big Issues. That petition now contains over 1030 signatures, most of whom are Bainbridge Island shoreline property owners.

So, I’d urge you to reconsider your position on the word non-conforming. Words do matter.

Sincerely,

Alice Tawresey